

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : CONSOLIDATED UNDER MDL 875
LIABILITY LITIGATION (No. VI) :

VARIOUS PLAINTIFFS **FILED** :

v. MAR 12 2012 :

MICHAEL E. KUNZ, Clerk
By _____
Dep. Clerk

VARIOUS DEFENDANTS :

Certain cases wherein
Plaintiff is Represented
by Cascino Vaughan Law
Offices, listed in this Order
and in attached Exhibits

O R D E R

AND NOW, this 12th day of March, 2012, it is hereby
ORDERED that, for the reasons set forth generally in this Court's
Memorandum Opinion of November 14, 2011:¹

1. Defendants' Motions to Dismiss for failure to
provide a sufficient Administrative Order No. 12 ("AO 12") report
with respect to exposure history are **GRANTED** and the cases listed
in Exhibit "A," attached, are hereby **DISMISSED** and shall be
marked **CLOSED**.²

¹ --- F. Supp. 2d ---, 2011 WL 5555615 (E.D. Pa. 2011)
(Robreno, J.).

² The Court reiterates that asbestos multi-district
litigation presents peculiar case management needs. To streamline
the litigation, and in the interest of justice, the Court issued
Administrative Order No. 12 which, like the Lone Pine order that
originated from the New Jersey case of Lore v. Lone Pine Corp.,
No. L-03306-85, 1986 N.J. Super. LEXIS 1626 (N.J. Sup. Ct. Nov.
18, 1986), was designed to serve three objectives. One, to assist

2. Defendants' Motions to Dismiss for Failure to Submit an AO 12 Report are **GRANTED** in the following cases, Plaintiffs' Motion for Extension of Time is **DENIED**, and the following cases are **DISMISSED** and shall be marked **CLOSED**:

- a. Takavitz, 09-60487
- b. Short, 10-67528
- c. Temple, 08-90275
- d. Gunn, 08-91371
- e. Jones, 09-92262
- f. Klobucar, 08-90290

3. In certain cases, Plaintiffs served some, but not all, moving Defendants. Because Plaintiffs failed to serve certain Defendants as required by AO 12, Plaintiffs' claims **against these certain Defendants only**, as listed in Exhibit "B,"

the Court in managing the large number of cases and the complex issues involved in this litigation. Two, to allow meritorious cases to move to trial or settlement promptly. And three, to avoid unnecessary burdens on defendants, by requiring plaintiffs to provide certain medical and exposure information at the outset of the case. See Acuna, et al. v. Brown & Root, et al., 200 F.3d 335, 340 (5th Cir. 2000) ("Lone Pine orders are designed to handle the complex issues and potential burdens on defendants and the court in mass tort litigation. In the federal courts, such orders are issued under the wide discretion afforded district judges over the management of discovery under Federal Rule of Civil Procedure 16."). Without evidence of an exposure history for each plaintiff and a medical diagnosis that allows defendants and the Court to sort through, for example, which plaintiffs allegedly were exposed to whose asbestos at which locations, the litigation of thousands of cases could not go forward.

attached, are **DISMISSED**.

4. In Sobierajski v. A.W. Chesterton Company et al., 10-68054, Defendants' Motion to Dismiss (doc. no. 21) is **GRANTED** with regard to certain defendants, and **DENIED** with regard to certain other defendants. As Plaintiff's counsel certified that they provided AO 12 reports to certain Defendants (see 08-90252, doc. no. 37-72, at 5-8), but did not serve others, the motion to dismiss is **DENIED** as to the following defendants: General Electric Company; Owens-Illinois, Inc., d/b/a O-I; and CBS Corporation, who were served with AO 12 reports. The motion to dismiss is **GRANTED** as to the other defendants, who were not served.

5. In certain cases, Plaintiffs served some moving Defendants with AO 12 reports, but listed other Defendants as having "settled" or otherwise being "out" of the case. Because Plaintiffs listed certain Defendants as no longer being involved in certain cases, Plaintiffs' claims **against these certain Defendants only**, as listed in Exhibit "C," attached, are **DISMISSED**.

6. Defendants' Motions to Dismiss for failure to show any asbestos-related medical impairment are **GRANTED** and the

cases listed in Exhibit "D" are hereby **DISMISSED** and shall be marked **CLOSED**.

7. In certain cases where Plaintiffs have noted that they have served AO 12 Reports, and this has not been countered by Defendants in any Replies, certain Defendants' motions to dismiss, listed in Exhibit "E," attached, are **DENIED**.

IT IS SO ORDERED.



Eduardo C. Robreno, J.

EXHIBIT A

Case Number	Caption	Filed By	Motion Type	Filed Date	Doc. No.
08-88417	Ammenman v. Anchor Packing Company et al	John Crane Co	Dismiss	12/28/2011	36
10-64581	Beers v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	21
11-64234	Behr v. A.W. Chesterton Company et al	Alfa Laval, Inc.	Dismiss	11/1/2011	117
11-64234	Behr v. A.W. Chesterton Company et al	The Orr Felt Company	Dismiss	1/5/2012	162
09-61321	Bevers v. ACandS Inc et al	Bechtel Construction Company	Dismiss	11/17/2011	145
10-67877	Boinski		Dismiss		127, 128
08-89481	Boze v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	20
09-61342	Clarke v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	23
08-91313	Coldiron v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	15
08-90089	Dabrowski v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	19
08-90055	Duckwall v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	23
11-63495	Duffey v. A W Chesterton Company et al	Alfa Laval Inc	Dismiss	10/13/2011	191
11-63495	Duffey v. A W Chesterton Company et al	Eaton Electrical Inc	Dismiss	12/28/2011	217
10-67684	Dunham v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	21
09-60261	Fremstad v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	20
08-89477	Gaudern v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	30
10-67705	Givens v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	21
10-67721	Golenia v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	22
08-89325	Green v. A C & S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	30
08-89493	Grothe v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	27
10-61886	Haase v. ACandS Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	23
08-90169	Hathaway v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	18
08-90040	Holzinger v. A.C. and S.,Inc. et al	Certain Defendant(s) 5	Dismiss	11/21/2011	17

09-91463	Kelly v. CBS Corporation et al	Certain Defendant(s)	Dismiss	11/21/2011	32
08-91084	Koepf v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	15
08-90062	Krestan v. ACAndS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	19
09-61032	Lundgren v. A.P. Green Industries, Inc. et al	Minnesota Mining And Manufacturing Co.	Dismiss	5/6/2011	53
10-67847	Madden v. ACAndS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	26
08-91350	Malone v. Aga Gas Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	18
08-89454	McClure v. AC&S, Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	22
08-90152	McGlade v. A.C.And S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	26
08-91435	Melton v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	22
09-61018	Newby v. Certainteed Corporation et al	Certain Defendant(s)	Dismiss	11/21/2011	27
08-90071	Orlando v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	26
08-90071	Orlando v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	26
08-90343	Parkhouse v. AC & S Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	21
10-67712	Petroff v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	15
09-64728	Porter Jr v. A C and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	21
10-67689	Purcell v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	15
09-61348	Reharchik v. ACAndS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	27
09-64750	Redman v. A C and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	16
08-90159	Reimann v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	19
09-61335	Repischak v. The Anchor Packing Company, et al	Certain Defendant(s)	Dismiss	11/21/2011	34
08-90925	Rich v. AC and S Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	15
09-61336	Roggeman v. ACAndS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	33
10-67864	Ryan v. ACAndS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	17
10-67645	Salcedo v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	20
09-62183	Sands v. Inc. ACandS et al	Certain Defendant(s)	Dismiss	11/21/2011	28

08-90110	Spear v. AC&S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	26
10-61493	Stefanski v. The Anchor Packing Company et al	Certain Defendant(s)	Dismiss	11/21/2011	25
10-67844	Stefonich v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	23
10-61914	Strancke v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	17
09-60269	Wedow v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	18
09-60296	Wirkuty v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	25
10-67853	Budwick v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	31
10-67835	Engel v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	23
09-61313	Ervin v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	31
10-62038	Hansen v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/22/2011	55
09-61355	Hoaglan v. The Anchor Packing Company, et al	Certain Defendant(s)	Dismiss	11/21/2011	31
08-91028	Holly v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	20
10-62062	Morris v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/22/2011	52
09-61488	Rendmeister v. Anchor Packing Co et al	Certain Defendant(s)	Dismiss	11/22/2011	19
09-60294	Seim v. A.C. and S., Inc. et al	Certain Defendant(s)	Dismiss	11/22/2011	19
10-67804	Susen v. ACandS Inc et al	Certain Defendant(s)	Dismiss	11/21/2011	21
10-61866	Teays v. ACandS Inc. et al	Certain Defendant(s)	Dismiss	11/21/2011	23
09-92261	Valdez v. AC and S Inc et al	Certain Defendant(s)	Dismiss	11/22/2011	15
10-68053	Percy v. Cbs Corporation et al	Anaconda Wire And Cable Co	Dismiss	11/16/2011	25
10-62047	Michels v. ACandS Inc et al	Bechtel Corporation	Dismiss	11/17/2011	199
11-63493	Ostrand v. A W Chesterton Company et al	Bechtel Corporation	Dismiss	11/17/2011	112
08-90262	Zdency v. AC&S Inc et al	Ericsson, Inc.	Dismiss	11/16/2011	36
08-90345	Wright v. AC&S Inc et al	Georgia-Pacific Corporation General Electric Company Nosroc Corp. I.U. North America, Inc. Owens-Illinois Corp. Westinghouse Electric Corp.	Dismiss	11/16/2011	36
11-63506	Zerbel v. Cbs Corporation et al	Schneider Electric Usa, Inc. - 7	Dismiss	11/17/2011	70

EXHIBIT B

<u>Plaintiff/Injured Party</u>	<u>EDPA Cause No.</u>	<u>AO 12 Report Plaintiffs' Exhibit to Response</u>	<u>Defendants to Dismiss</u>
ARENKT, ANTHONY	09-CV-91900	E-1	General Electric Company
BRIX GERALD	09-CV-65679	E-2	General Electric Company
COURNEYA, MARTIN	09-CV-92434	E-3	General Electric Company
HAKES, DONALD	10-CV-68063	K-1	General Electric Company Owens-Illinois, Inc. d/b/a O-I Union Carbide Corporation
JOHNSON, JAMES	09-CV-91456	E-6	Union Carbide Corporation
LUCAS, TEOLA	10-CV-67426	K-2	Union Carbide Corporation
MARTIN, RAY	10-CV-67425	K-3	Union Carbide Corporation
RATLIFF, CHARLES	10-CV-67133	K-4	Union Carbide Corporation
STRERATH, WILLIAM	11-CV-63496	N-5	Bayer CropScience, Inc. as Corporate Successor to Amchem Products Georgia-Pacific LLC Union Carbide Corporation
SWEET, JD	09-CV-90821	E-10	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation Maremont Corporation

EXHIBIT C

Plaintiff/Injured Party	EDPA Cause No.	AO 12 Report Plaintiffs' Exhibit to Response	Defendants to Dismiss
BRIEAC, MICHAEL	08-CV-91236	C-2	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation
CASHMAN, ROBERT	08-CV-91240	C-3	Owens-Illinois, Inc. d/b/a O-I CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation
DOWELL, CHARLES	08-CV-91356	C-5	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation
MASIOWSKI, DONALD	10-CV-61482	C-8	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation
PROPP, DEANNE	08-CV-90332	C-14	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation
RORER, THODORE	08-CV-91155	C-15	CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric

EXHIBIT D

Plaintiff/Injured Party	EDPA Cause No.
ARENDT, ANTHONY	09-CV-91900
BRIX, GERALD	09-CV-65679
BURZYNSKI, MILO	11-CV-62393
COURNEYA, MARTIN	09-CV-92434
GEBHARDT, GEORGE	09-CV-93716
GUNN, CHARLES	08-CV-91371
JOHNSON, JAMES	09-CV-91456
JONES, JOE	09-CV-92262
KELLY, DARYL	09-CV-91463
KLOBUCAR, EDWARD	08-CV-90290
SWEET, JD	09-CV-90821

EXHIBIT E

Case Number	District	Caption	Filed By	Motion Type	Filed Date	Doc. No.	Response Filed
11-63517	WI-E	Baumann v. A W Chesterton Company et al	Eaton Electrical Inc	Dismiss	11/16/2011	131	12/15/2011
11-63517	WI-E	Baumann v. A W Chesterton Company et al	Weyerhaeuser Company	Dismiss	11/16/2011	133	12/15/2011
11-63517	WI-E	Baumann v. A W Chesterton Company et al	Bechtel Corporation	Dismiss	11/17/2011	138	12/15/2011
11-63484	WI-E	Subert v. A W Chesterton Company et al	Alfa Laval Inc	Dismiss	10/13/2011	160	11/2/2011
11-63484	WI-E	Subert v. A W Chesterton Company et al	Metso Paper Usa Inc	Dismiss	11/11/2011	184	12/15/2011
11-63484	WI-E	Subert v. A W Chesterton Company et al	The Orr Felt Company	Dismiss	11/16/2011	199	12/15/2011
11-63506	WI-E	Zerbel v. Cbs Corporation et al	Eaton Electrical Inc	Dismiss	11/16/2011	66	12/15/2011
08-90252	IL-N	Passarelli v. A.C. and S., Inc. et al	Beazer East Inc.	Dismiss	11/16/2011	24	12/15/2011